

Application No. 10/624,238  
Amendment dated December 9, 2004  
Reply to Office Action of September 9, 2004

### **REMARKS**

This amendment responds to the Office Action mailed September 9, 2004. Claims 1-8 were pending in the application prior to this amendment and were rejected. Claim 1 and 4 have been amended, claims 2, 3 and 6-8 have been cancelled, and new claims 9-11 have been added by this amendment. Applicant submits that claims 1, 4, 5 and 9-11 are in condition for allowance. The following remarks are respectfully submitted.

### **Objections to the Drawings**

The drawings were objected to various informalities. The drawings have been amended as suggested by the Examiner. Annotated drawings sheets showing the changes made, and replacement sheets incorporating the changes to the drawings are submitted herewith for the Examiner's review and approval. Pending the Examiner's approval of the drawing changes, Applicant respectfully requests that the objections to the drawings be withdrawn.

### **Objections to the Specification**

The Specification was objected to with regard to the recitation of various trademarks in claim 4. Claim 4 has been amended to remove reference to these trademarks. The Specification was amended to include the subject matter deleted from claim 4. Accordingly, Applicant submits that no new matter has been added by these

Application No. 10/624,238  
Amendment dated December 9, 2004  
Reply to Office Action of September 9, 2004

amendments. In view of the amendments to claim 4 and the Specification, Applicant respectfully requests that the objection to the Specification be withdrawn.

#### **Objections to the Claims**

Claims 2, 3 and 6 were objected to for various informalities. Claims 2, 3 and 6 have been cancelled herein, without prejudice. Applicant submits that the cancellation of claims 2, 3 and 6 overcomes these objections. Moreover, Applicant has amended claim 1 to include the subject matter of claim 2. In this regard, claim 1 has been amended to recite "an annular arrangement" of bristles to clarify the phrase "arranged in a crown" recited in claim 2. Support for the amendment to claim 1 can be found in the Application at page 4, lines 2-4 and lines 28-30; page 5, lines 4-8; and with reference to the figures.

#### **Claims Rejected under 35 U.S.C. §112**

Claims 4 and 6-8 stand rejected under 35 U.S.C. §112, second paragraph, for various informalities related to the claim language. Claim 4 has been amended, as discussed above, to eliminate reference to various trademarks. Claims 6-8 have been cancelled, in view of new claims 9-11. Accordingly, Applicant submits that the amendment to claim 4 and the cancellation of claims 6-8 overcome these rejections.

Application No. 10/624,238  
Amendment dated December 9, 2004  
Reply to Office Action of September 9, 2004

**Claims Rejected under 35 U.S.C. §102**

Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,490,747 to Metwally. Claims 1-3, 6 and 7 were also rejected under 35 U.S.C. §102(b) as being anticipated by one or more of U.S. Patent Nos. 6,092,252 to Fischer et al.; 5,996,157 to Smith et al.; 1,890,943 to Hoffman; or 2,161,349 to Hadden. Claims 2, 3, 6 and 7 have been cancelled, without prejudice, by this amendment. Claim 1 is the only independent claim of this rejected group and has been amended herein to recite that the bristles are "disposed in an annular arrangement, wherein the length of the bristles . . . decreases from the external radius of the bristle field to its center." As discussed above, this amendment to claim 1 incorporates the subject matter originally recited in claim 2.

Applicant submits that amended claim 1 is not taught or suggested by the cited references. Specifically, none of the cited references teach or suggest a dental brush comprising bristles disposed in an annular arrangement. Moreover, none of the references of record teach or suggest an annular arrangement of bristles wherein the length of the bristles decreases in a direction from an external radius of the bristles toward the center of the bristle arrangement. For at least these reasons, Applicant respectfully requests that the rejections of claim 1 over Metwally et al., Fischer et al., Smith et al., Hoffman, and Hadden be withdrawn.

Application No. 10/624,238  
Amendment dated December 9, 2004  
Reply to Office Action of September 9, 2004

**Claims Rejected under 35 U.S.C. §103**

Claims 4 and 5 stand rejected over Fischer et al. in view of Published U.S. Patent Application No. US2001/0016308 to Bachmann et al. Claims 4 and 5 each depend from independent claim 1, and therefore include all features recited in claim 1. Accordingly, Applicant submits that claims 4 and 5 are in condition for allowance for at least the reasons stated above for claim 1. Specifically, Fischer et al. does not teach or suggest an annular arrangement of bristles. Neither Bachmann et al., nor any other reference of record teaches or suggests a modification of Fischer et al. that cures this deficiency. Accordingly, Applicant respectfully requests that the rejections of claims 4 and 5 over Fischer et al. in view of Bachmann et al. be withdrawn.

Claim 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fischer et al. In view of U.S. Patent No. 5,722,106 to Masterman et al. Claim 8 has been canceled herein, without prejudice. Accordingly, Applicant asserts that the cancellation of claim 8 overcomes this rejection.

**New Claims**

New claims 9-11 have been added by this amendment and are directed to methods for finishing, polishing, or cleaning a tooth, comprising obtaining a dental instrument as recited in claim 1, engaging the bristles of the brush with a tooth, and actuating the brush for rotary movement. Support for new claims 9-11 can be found in the Application, particularly at page 2, lines 21-29; page 4, lines 21-26; page 5, lines 4-

Application No. 10/624,238  
Amendment dated December 9, 2004  
Reply to Office Action of September 9, 2004

15; and with reference to the drawings and claims 6-8. Applicant further submits that claims 9-11 are not taught or suggested by the references of record. Specifically, the references of record do not teach or suggest a dental brush having an annular arrangement of bristles wherein the length of the bristles decreases from an external radius to the center of the bristle arrangement, as discussed above with respect to claim 1. For at least these reasons, Applicant asserts that new claims 9-11 are in condition for allowance.

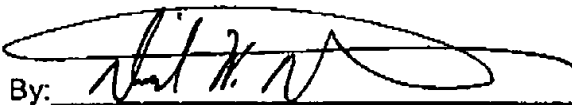
In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 (voice)  
(513) 241-6234 (facsimile)

By: 

David W. Dorton, Reg. No. 51,625